



### STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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March 5, 2010

SITE NAME: OLD BREPIERTON GASWORKS & SESCO PROPERT

Mr. Paul McConkey Penn Plaza Industrial Park 1500 Thompson Drive Bremerton, Washington 98337-1149

Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Hazardous Waste Site:

- Name: Old Bremerton Gasworks and Sesko Property
- Address: 1725 Pennsylvania Avenue, Bremerton, Washington 98310
- Kitsap County Assessor's Parcel Numbers: 3711-000-001-0409, 3711-000-001-0607, 3711-000-022-0101 and the associated impacted aquatic lands
- Facility/Site Number: 2641

Dear Mr. McConkey:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds based on credible evidence to be liable, is known as a "potentially liable person" or "PLP".

#### **Proposed Finding of Liability**

Based on credible evidence, Ecology is proposing to find you are liable under RCW 70.105D.040 for the release of hazardous substances at the Old Bremerton Gasworks and Sesko Property facility (Site). This proposed finding is based on the following evidence:

- 1. According to our information, you are the property owner of a facility located at 1725 Pennsylvania Avenue, Bremerton, Washington 98310 (Enclosure 1), and credible evidence exists indicating that a "release or threatened release" of a "hazardous substance" has occurred at the facility as defined in RCW 70.105D.020(7) and (20), which poses a threat to human health or the environment.
- You are the current property owner of parcels 3711-000-001-0409 and 3711-000-001-0607 that are part of the Site where the gasification plant was operated from the early 1930s to late 1970s (Enclosure 3).



Mr. Paul McConkey March 5, 2010 Page 2 of 5

- 3. The Site was listed on Ecology's confirmed and suspected contaminated site list (CSCL) in September 1994 following an initial investigation conducted from August 1993 through April 1994. In early 1995, a subsequent investigation was conducted by Ecology as a part of the site hazard assessment (SHA) to rank the site. Results of these soil investigations showed elevated levels of polyaromatic hydrocarbons (PAHs), benzo(a)pyrene (1,810 mg/kg), benzo(b)flouranthene (2,720 mg/kg), naphthalene (6,700 mg/kg), and phenathrene (24,400 mg/kg) which exceed the Model Toxics Control Act (MTCA) Method A cleanup levels. Based on these results, the Site was ranked using the Washington Ranking Method. The Site scored a ranking of 1 out of a possible 5; 1 being the most contaminated site and 5 being the least contaminated site.
- 4. Ecology mailed you an Early Notice Letter on September 23, 1994, informing you about the above listing. In addition, an early potentially liable person (PLP) notice letter was also mailed on May 28, 1996, identifying you as a PLP for the Site.
- 5. In 2006, the City of Bremerton conducted a Preliminary Upland Assessment of the Site. Also, in 2008 the Environmental Protection Agency Region 10 conducted a Targeted Brownfield Assessment of the Site. As a part of these investigations, a number of soil, groundwater, and sediment samples were collected and analyzed for metals, volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), polyaromatic hydrocarbons (PAHs), and total petroleum hydrocarbons (TPH-gasoline, diesel and oil). Results of these investigations showed that concentrations of a number of metals, VOCs, SVOCs, PAHs, and TPHs exceeded the Model Toxics Control Act (MTCA) cleanup levels.
  - (a) The above investigations included the collection of a number of soil samples at different depths from fourteen borings (MW-1 through MW-7, MP01 through MP03 and SP01 through SP03). Results of soil samples revealed the elevated levels of arsenic (0.83 mg/kg 48.4 mg/kg), naphthalene (14.7 mg/kg 2290 mg/kg), benzene (0.04 mg/kg 12 mg/kg), TPH-gasoline (10.6 mg/kg 645 mg/kg), TPH-diesel (17.1 mg/kg 30,200 mg/kg) and toxicity equivalent (TEQ) cPAHs 0.11 mg/kg 155.5 mg/kg). The above concentrations exceed MTCA Method A and/or Method B cleanup levels (Enclosure 4).
  - (b) As a part of the groundwater investigation, seven groundwater monitoring wells (MW-1 through MW-7) were installed. In addition, seven groundwater samples were collected from borings MP01 through MP04 and SP01 through SP03. Results of 12 groundwater samples showed elevated concentrations of arsenic (1.43 ug/l 4,100 ug/l), total chromium (177 ug/l 845,000 ug/l), lead (18.3 ug/l 268,000 ug/l), barium (5,840,000 ug/l), benzene (25.5 ug/l 3,100,000 ug/l), ethylbenzene (26 ug/l), TPH-gasoline (68.5 ug/l 10,600 ug/l), TPH-diesel (447 ug/l 18,500 ug/l), naphthalene (0.45 ug/l 1,800,000 ug/l) and TEQ cPAHs (0.32 ug/l 45.24 ug/l). All of these concentrations exceed MTCA Method A and/or Method B cleanup levels (Enclosure 5).
  - (c) In 2008, EPA collected a total of five intertidal sediment samples (WN01 through WN05) at a depth of 30 centimeters below ground surface. These samples were analyzed as per the requirements of Sediment Management Standards (Chapter

Mr. Paul McConkey March 5, 2010 Page 3 of 5

173-204 WAC). Results of these sediment samples showed elevated levels of number of PAHs indicating the adverse impact on the sediments (Enclosure 6).

The evidence supporting the above findings is presented in the following documents:

- Ecology and Environment, August 2009, Final Bremerton Gasworks, Targeted Brownfields Assessment Report, Bremerton, Washington. Prepared for the United States Environmental Protection Agency, Region 10.
- 2. Ecology and Environment, March 2008, Bremerton Gasworks, Targeted Brownfields Assessment Sampling and Quality Assurance Plan, Bremerton, Washington. Prepared for the United States Environmental Protection Agency, Region 10.
- 3. HartCrowser, May 2, 2007, Historical Characterization and Data Gaps, Old Bremerton Gasworks Property, 1725 Pennsylvania Avenue, Bremerton, Washington. Prepared for the Washington State Department of Ecology.
- 4. GeoEngineers, October 26, 2007, Preliminary Upland Assessment report, McConkey/Sesco Site, Bremerton, Washington. Prepared for the City of Bremerton.
- 5. Department of Ecology, March 1995, Site Hazards Assessment Report, Old Bremerton Gasworks (Formerly Plaza and Sesco Properties), Bremerton, Washington.
- 6. Department of Ecology, August 1993 through April 1994, Initial Investigations Results, Ecology inspection reports and correspondences, Old Bremerton Gasworks (Formerly Plaza and Sesco Properties), Bremerton, Washington.

The reports listed above will be kept in the Central Files of the Toxics Cleanup Program, Headquarters (TCP HQ) of Ecology for review by appointment only. If you are interested in reviewing any of the above documents, please make an appointment by calling the TCP HQ resource contact at (360) 407-7224.

As a result of the evidence (information) contained in the above cited reports, you have been identified as a party potentially liable for the existing release at the Old Bremerton Gasworks and Sesko Property site.

### Opportunity to Respond to Proposed Finding of Liability

In response to Ecology's proposed finding of liability, you may either:

Accept your status as a PLP without admitting liability and expedite the process through a
voluntary waiver of your right to comment. This may be accomplished by signing and
returning the enclosed form (Enclosure 2) or by sending a letter containing similar
information to Ecology.

Mr. Paul McConkey March 5, 2010 Page 4 of 5

- Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter.
- 3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to me at the address on the letterhead.

After reviewing any comments submitted or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

#### Identification of Other Potentially Liable Persons

Ecology has notified the following additional persons those they maybe potentially liable for the release of hazardous substances at the Site:

Cascade Natural Gas Company
Mr. Howard Jensen (CNGC's representative)
Tupper Mack Brower PLLC
2025 First Avenue, Suite 1100
Seattle, WA 98121
Telephone number: (206) 493-2310

Ms. Natasha Sesko 3536 West Arsenal Way Bremerton, WA 98312 Telephone number: (206) 498-0758

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason with credible evidence why you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

#### Responsibility and Scope of Potential Liability

Please note that Ecology may either conduct or require PLPs to conduct remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Please also note that each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

Mr. Paul McConkey March 5, 2010 Page 5 of 5

#### **Next Steps in Cleanup Process**

In response to the release of hazardous substances at the Site, Ecology intends to meet with PLPs to determine the actions necessary to proceed with the investigation, cleanup and to discuss the terms of a Model Toxics Control Act agreed order.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of hazardous waste sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability. For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

#### **Contact Information**

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of hazardous waste sites, please call Panjini Balaraju at (360) 407-6161.

Thank you for your cooperation.

Sincerely,

Tim L. Nord, Manager

Land and Aquatic Lands Cleanup Section

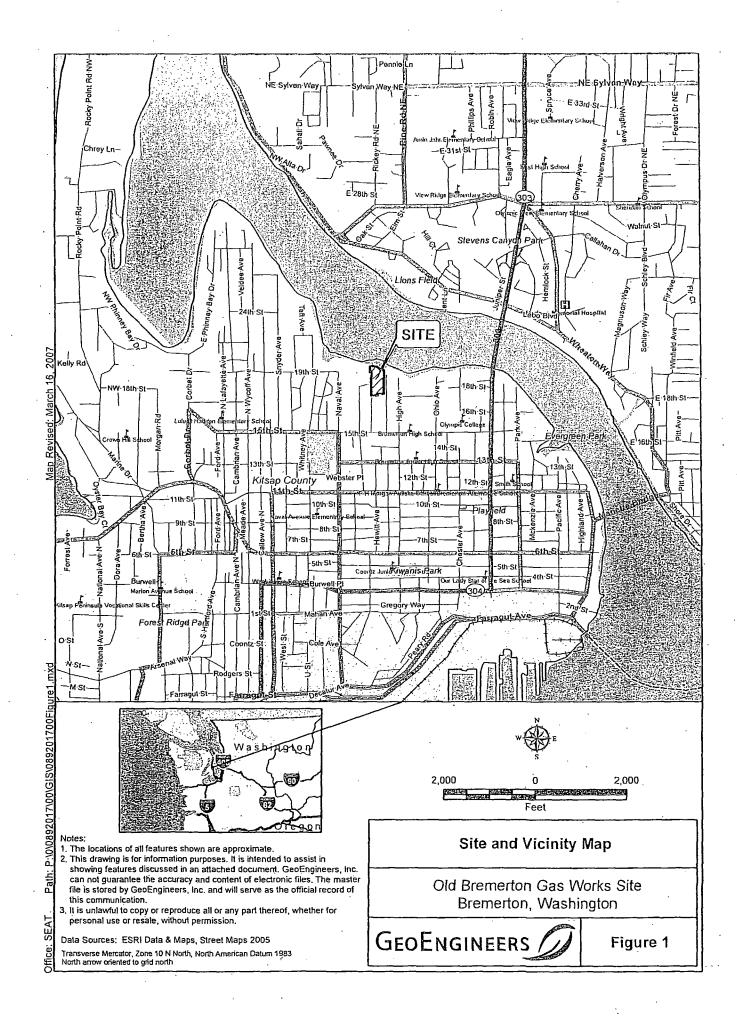
Toxics Cleanup Program

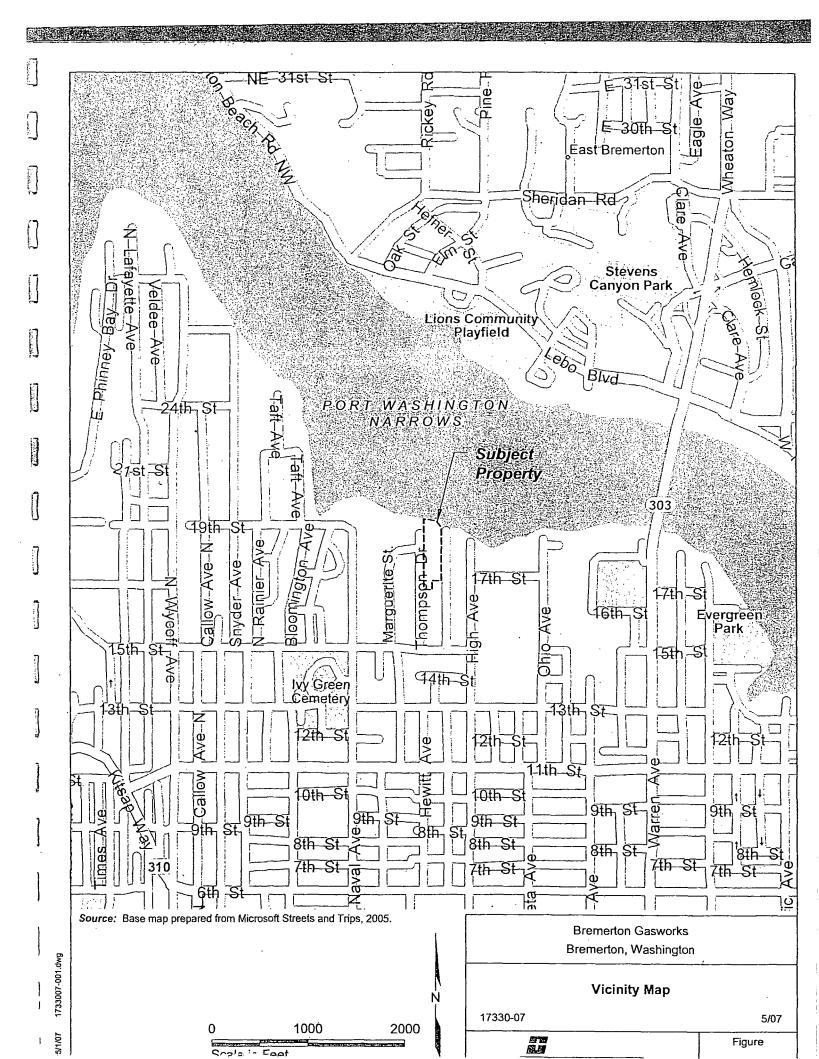
**Enclosures:** 

By certified mail 7006 3450 0001 6754 7580

cc: Howard Jensen, Tupper Mack Brower PLLC

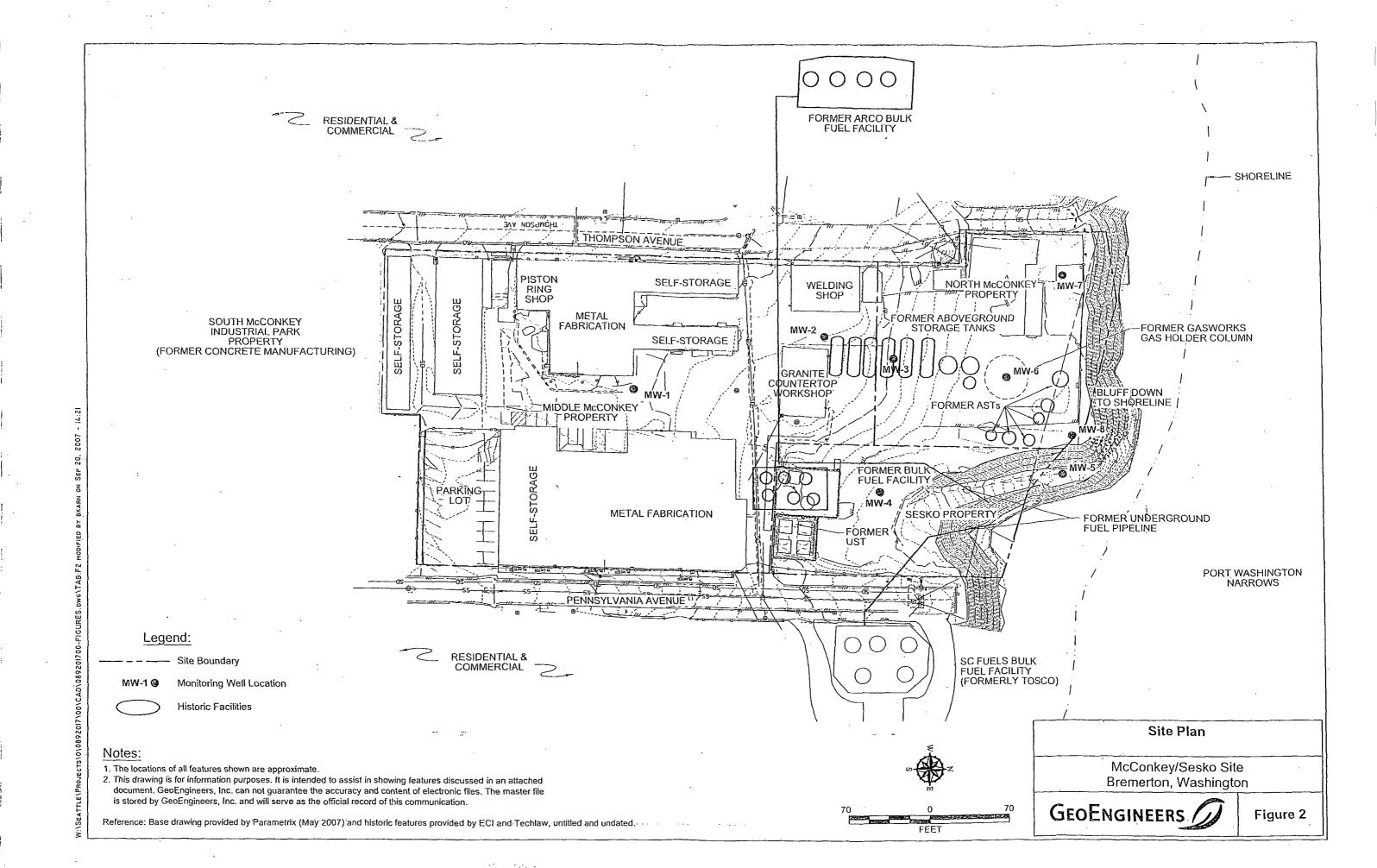
Natasha Sesko





HARTCROWSER

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### PRELIMINARY POTENTIALLY LIABLE PERSON NOTICE LETTER 30-DAY COMMENT PERIOD WAIVER FORM

Pursuant to WAC 173-340-500 and WAC 173-340-52 waive my right to the thirty-(30) day notice and comm 340-500(3) and accepts my status as a Potentially Lia	ment period described in WAC 173				
NANE: Old Bremerton Gasworks and Sesko Property.  Address: Pennsylvania Avenue, Washington 98310.  Skagit County Assessor's Parcel Numbers: 3711-000-001-0409, 3711-000-001-060 37-000-022-0101 and associated impacted aquatic lands.  Facility/Site Number: 2641.					
This waiver is solely for the purpose of entering into Decree with Ecology for conducting the site investiga action at the site. By waiving this right, I make no ad	ations and implementing remedial				
Signature	Date				
Relation To The Site (i.e., owner or operator)	•				



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### STATE OF WASHINGTON

### DEPARTMENT OF ECOLOGY

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Northwest Regional Office, 3190 - 160th Ave. S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

March 16, 1994

Kitsap County Assessor 614 Division Street Port Orchard, WA 98366

Dear Assessor:

Re: Request for Taxpayer/Owner Information

The Department of Ecology is investigating a report of site contamination at <u>Penn Plaza Industrial Park/Paul McConkey property</u>, 1725 Pennsylvania, Avenue, Bremerton. <u>Please see the enclosed map for property location</u>. There may be more than one lot.

Any assistance you can render in determining the owner or taxpayer for that property would be appreciated. Completion of any of the questions below would be helpful.

1,	Name: Paul & Margaret McCon Key
	Address: 1343 Lower Marine Dr.
	city: <u>Brevnerton</u> state: <u>WA</u> zip: <u>98312</u>
2.	Is that person the owner of the property? Yes [ No [ ] Don't know [ ]
3.	Do you have records reflecting past improvements at the property (i.e., past assessment worksheets/records, photos)? Yes [ ] No [ ] Years: 1986 - 1994
4.	3711-000-001-0409 What is the Tax Parcel Number? 3711-000-001-0607
5.	Does your county maintain aerial photos of the area this site is located in? Yes [ ] No [V]
6.	If the information presented is insufficient to identify the property, what other information is needed?

Kitsap County Assessor Page 2 March 16, 1994

7. Could you provide a copy of a local tax parcel map to assist in property location? Yes [ ] No [ ] Cost \_\_\_\_\_

Your assistance in this matter is appreciated.

Sincerely,

Joanne Polayes-Wien

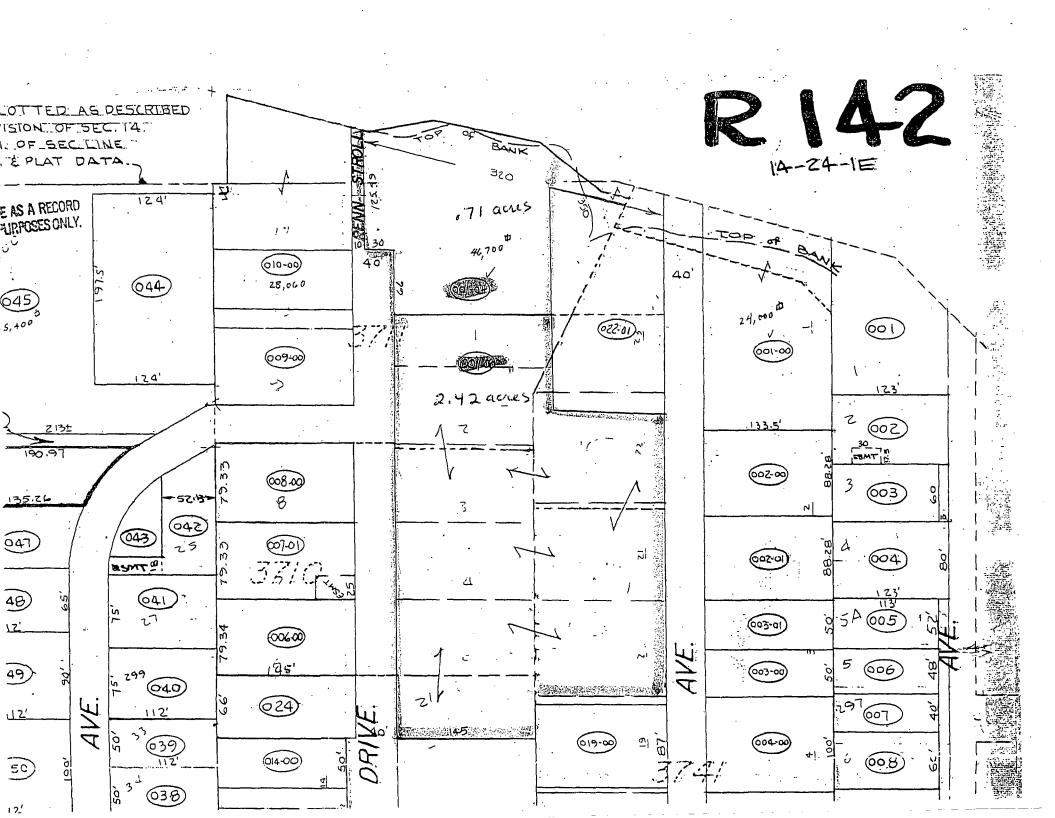
Inspector

Toxics Cleanup Program

Janne Polayes-Wien

JPW:qm

Enclosure: Map



# Final Bremerton Gasworks Targeted Brownfields Assessment Report Bremerton, Washington

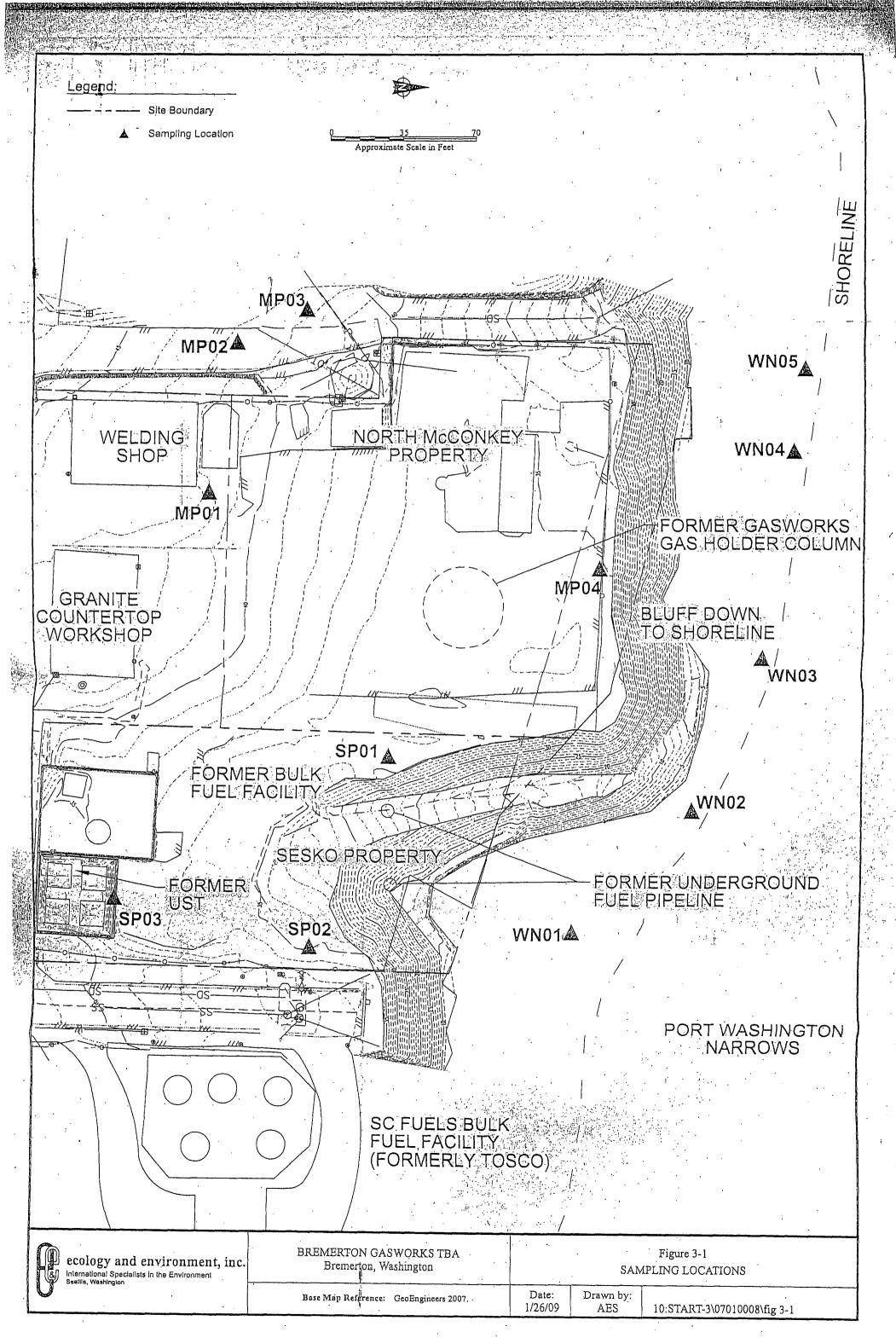
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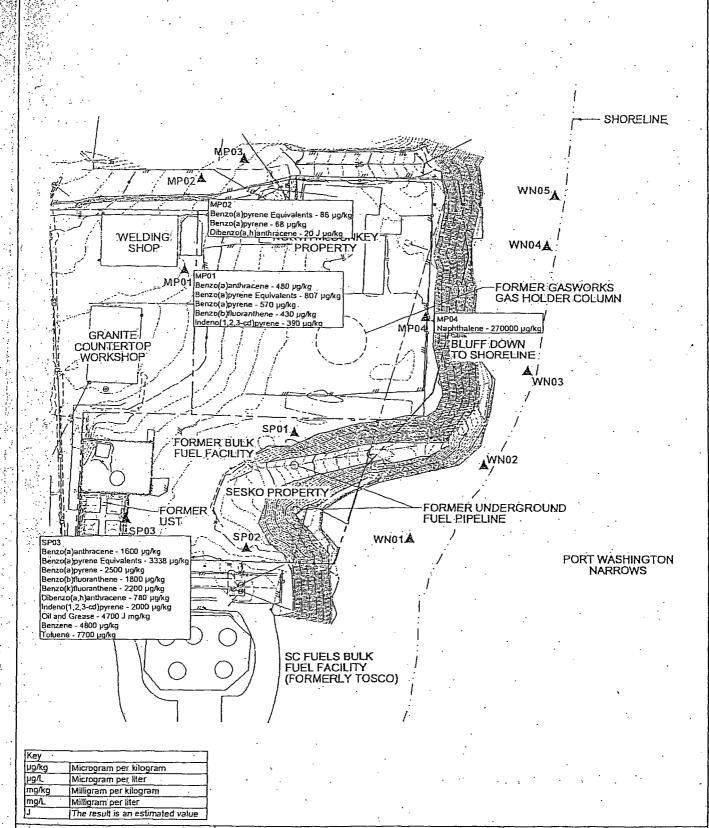
August 2009

Prepared for:
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1200 Sixth Avenue
Seattle, Washington 98101

Prepared by:

ECOLOGY AND ENVIRONMENT, INC. 720 Third Avenue, Suite 1700 Seattle, Washington 98104





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**BREMERTON GAS WORKS TBA** 

Figure 3-2 Subsurface Soil Contaminant (0-5 bgs) Concentration Map

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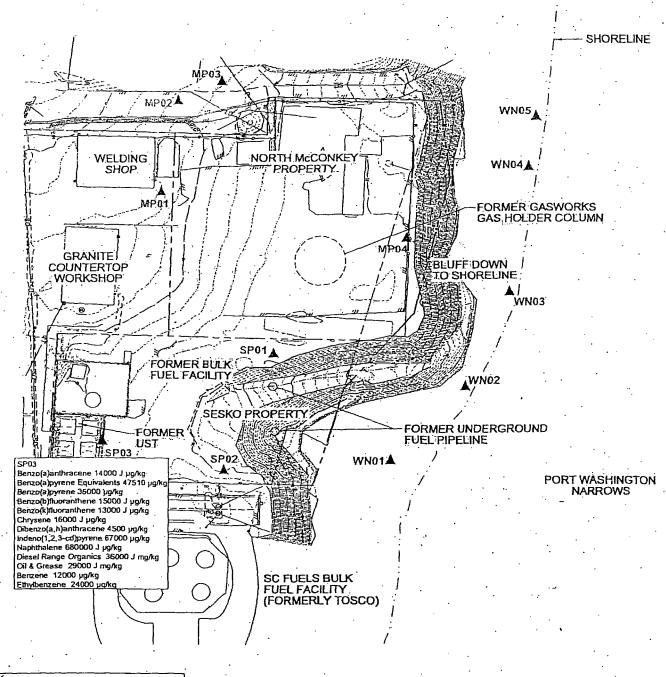
Bremerton, Washington

Job Id:
002233.0178.01BR

Date:
3/26/2009

Map Source Information:

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Key	
µg/kg	Microgram per kilogram
µg/L	Microgram per liter
mg/kg	Milligram per kilogram
rng/L	Milligram per liter
J	The result is an estimated value



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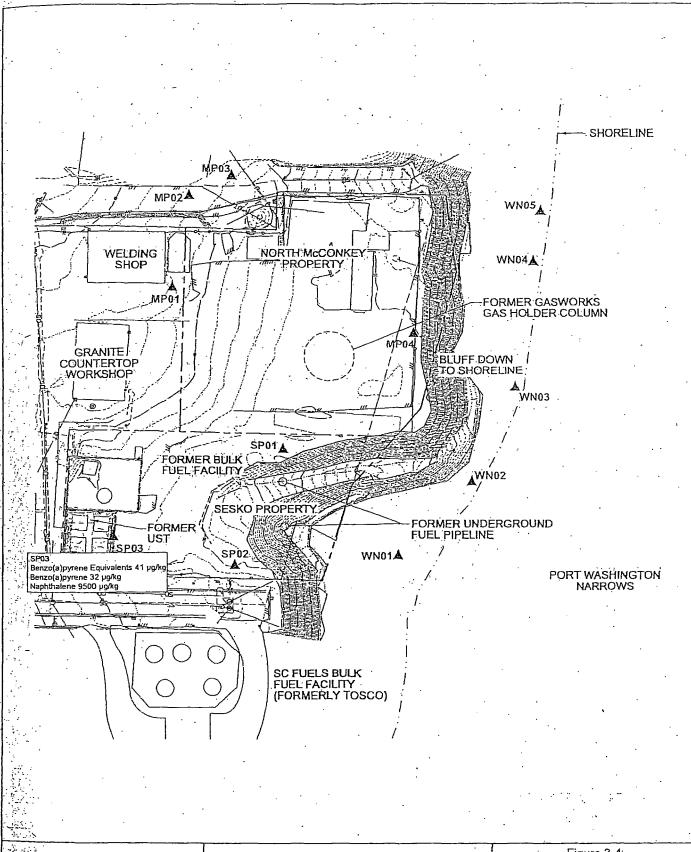
#### **BREMERTON GAS WORKS TBA**

Bremerton, Washington

Figure 3-3
Subsurface Soil Contaminant
(5-10 Bgs) Concentration Map

Job ld: 002233.0178.01BR Date: GIS Analyst: 3/26/2009 avh

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**BREMERTON GAS WORKS TBA** 

Figure 3-4
Subsurface Soil Contaminant
(10-15 Bgs) Concentration Map

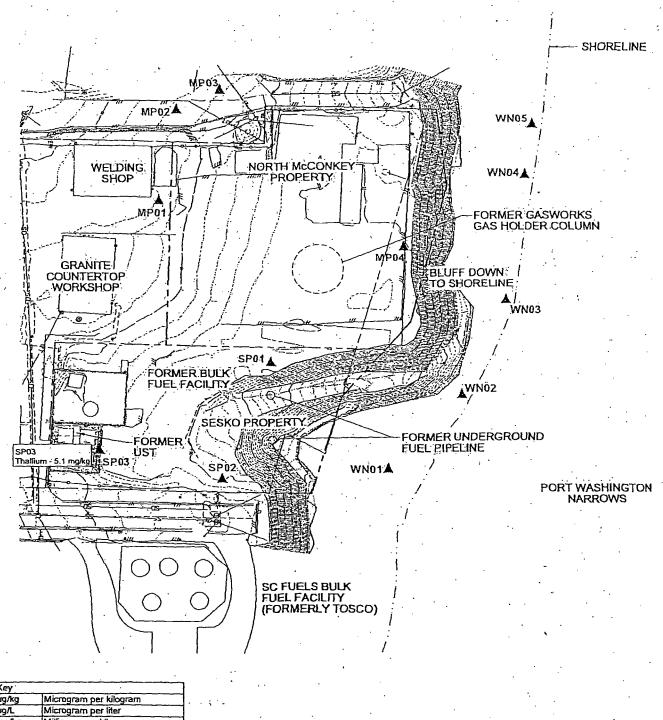
Job Id: 002233.0178.01BR Date: 3/26/2009

Map Source Information:

- GIS Analyst:

Bremerton, Washington

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Key		
µg/kg	Microgram per kilogram	
µg/L	Microgram per liter	
mg/kg	Milligram per kilogram	
mg/L	Milligram per liter	
J ·	The result is an estimated value	



**BREMERTON GAS WORKS TBA** 

Figure 3-5 Subsurface Soil Contaminant (15-20 Bgs) Concentration Map

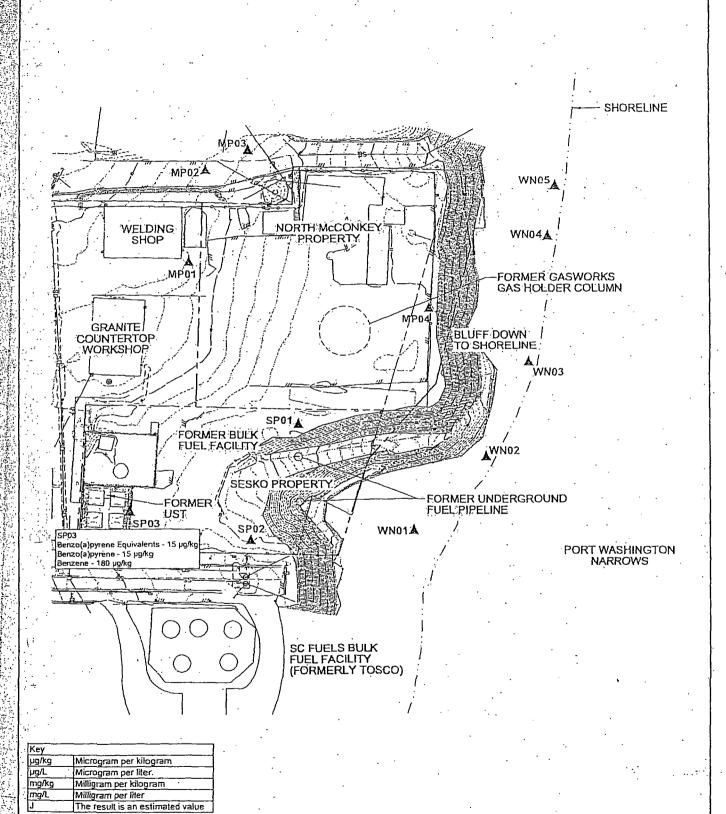
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Job Id: 002233.0178.01BR

Date: 3/26/2009 Map Source Information:

GIS Analyst

Bremerton, Washington





**BREMERTON GAS WORKS TBA** 

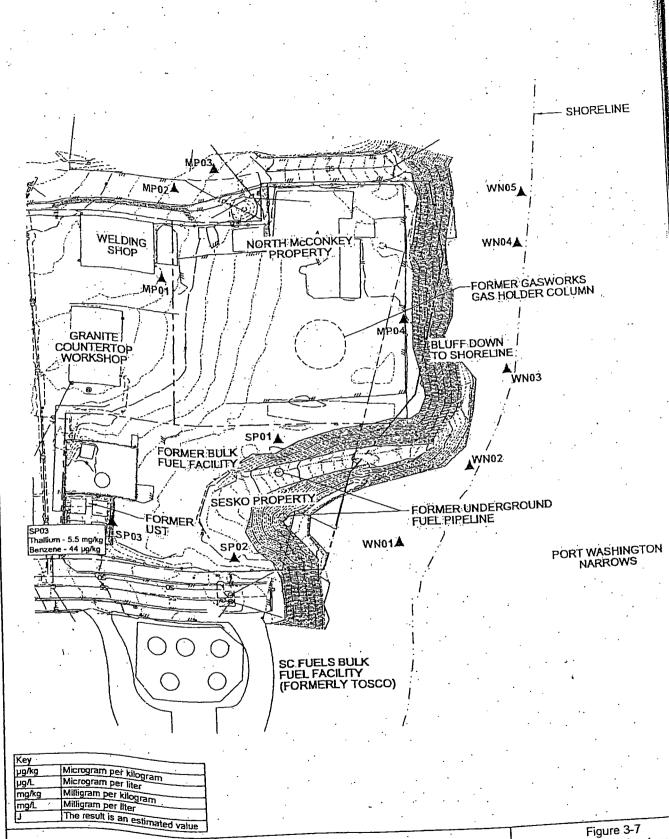
Figure 3-6
Subsurface Soil Contaminant
(20-25 Bgs) Concentration Map

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Seattle, Washington

Bremerton, Washington

Job Id: 002233.0178.01BR GIS Analyst: 3/26/2009 avh Map Source Information:



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Seattle, Washington

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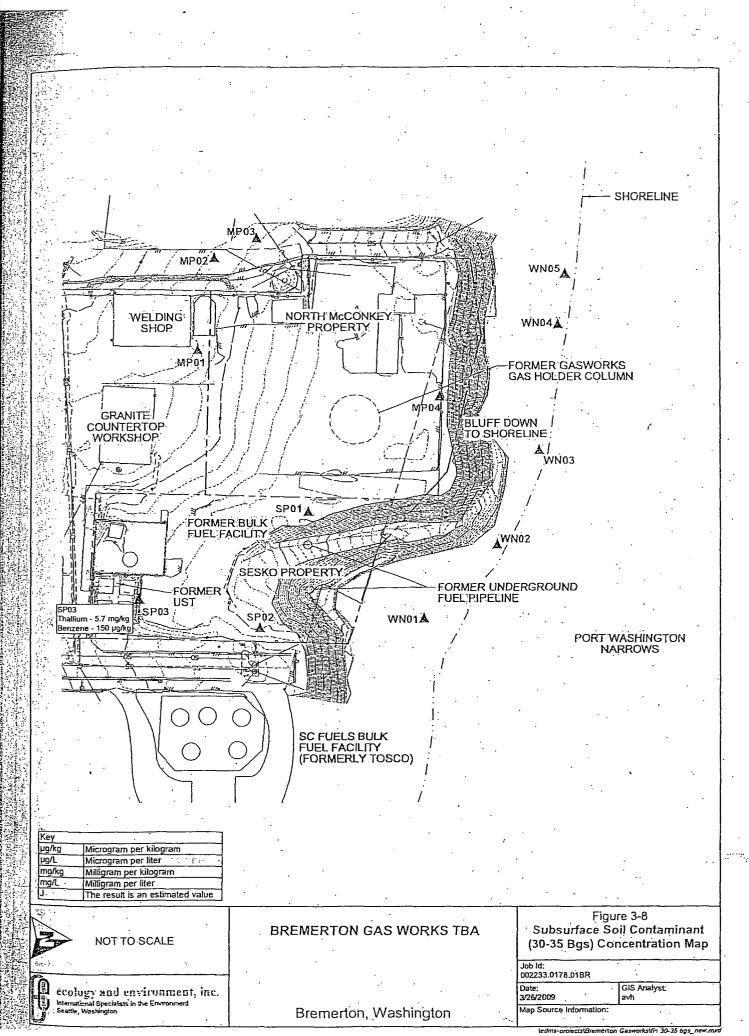
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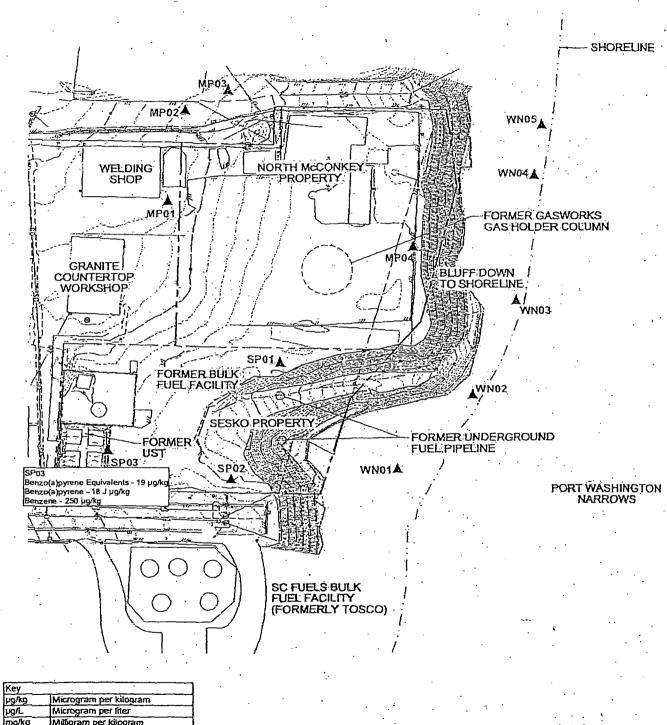
Subsurface Soil Contaminant (25-30 Bgs) Concentration Mar

Job ld: 002233.0178.01BR

Date: GIS Analyst: avh
Map Source Information:

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lhavra -	Microgram per kilogram
pg/kg pg/L	Microgram per liter
mg/kg	Milligram per kilogram
mg/L	Milligram per liter
	The result is an estimated value



BREMERTON GAS WORKS TBA

Figure 3-9
Subsurface Soil Contaminant (35-40 bgs) Concentration Map

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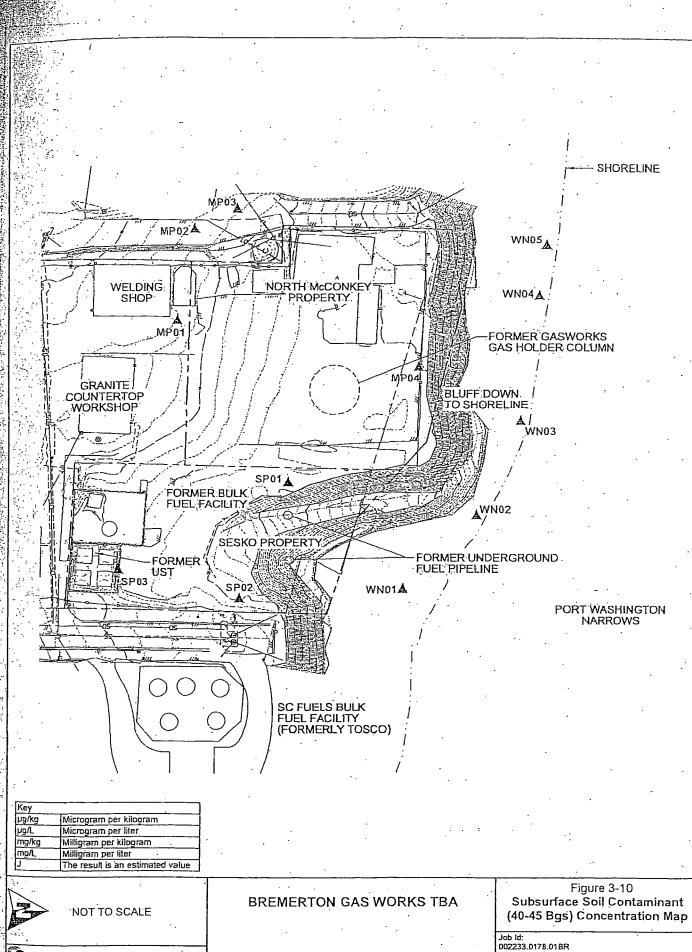
Map Source Information

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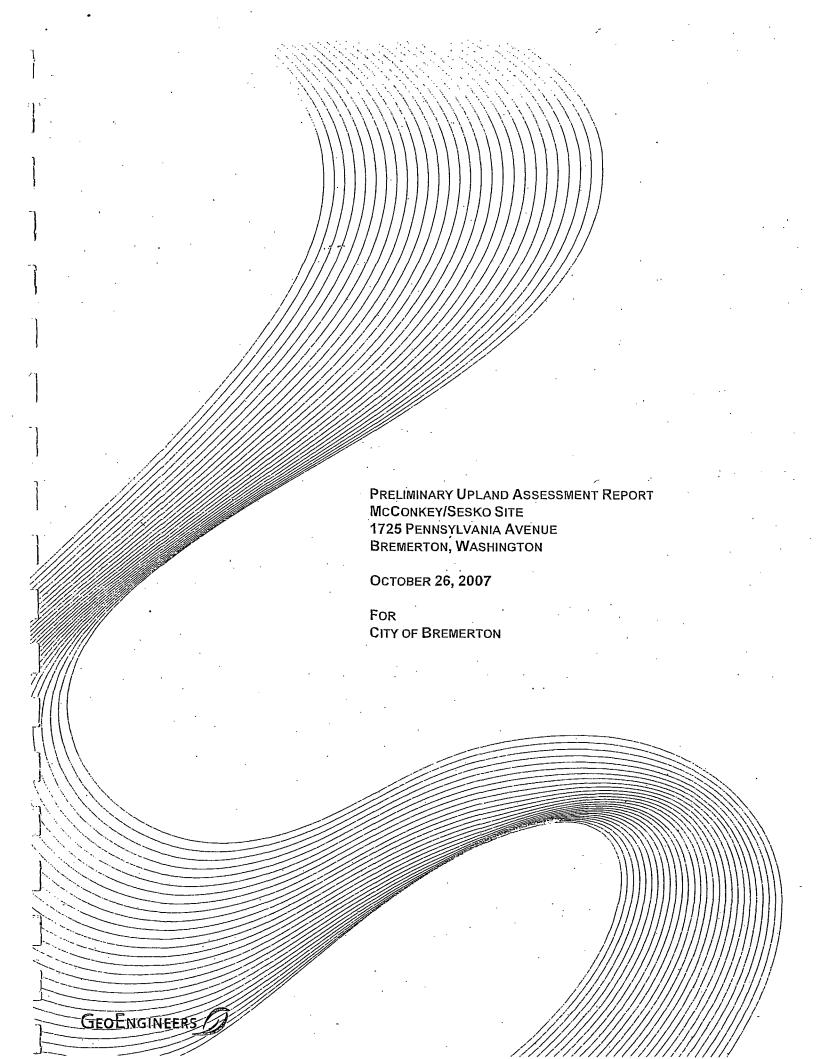
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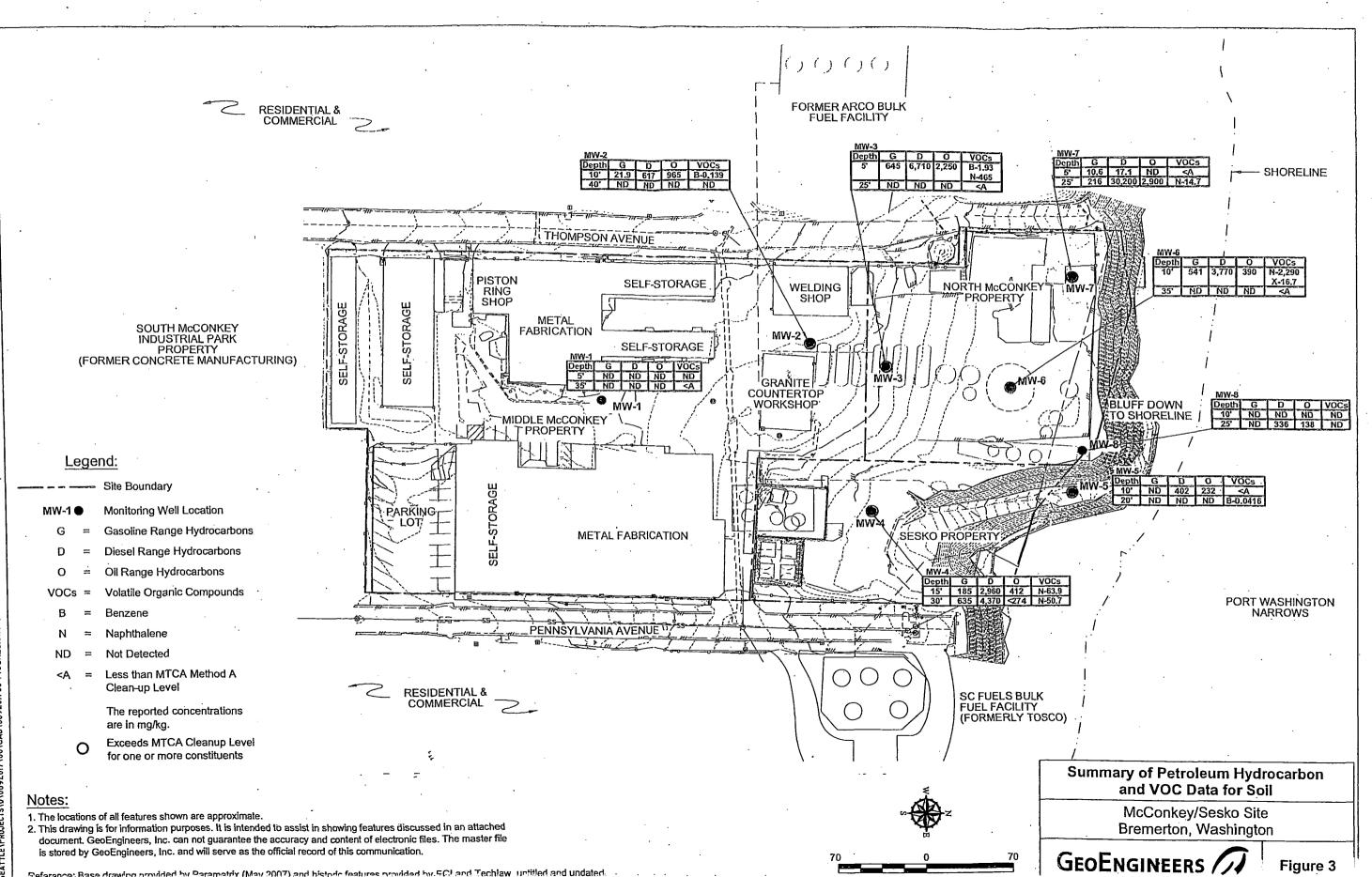
International Specialists in the Environment Seattle, Washington

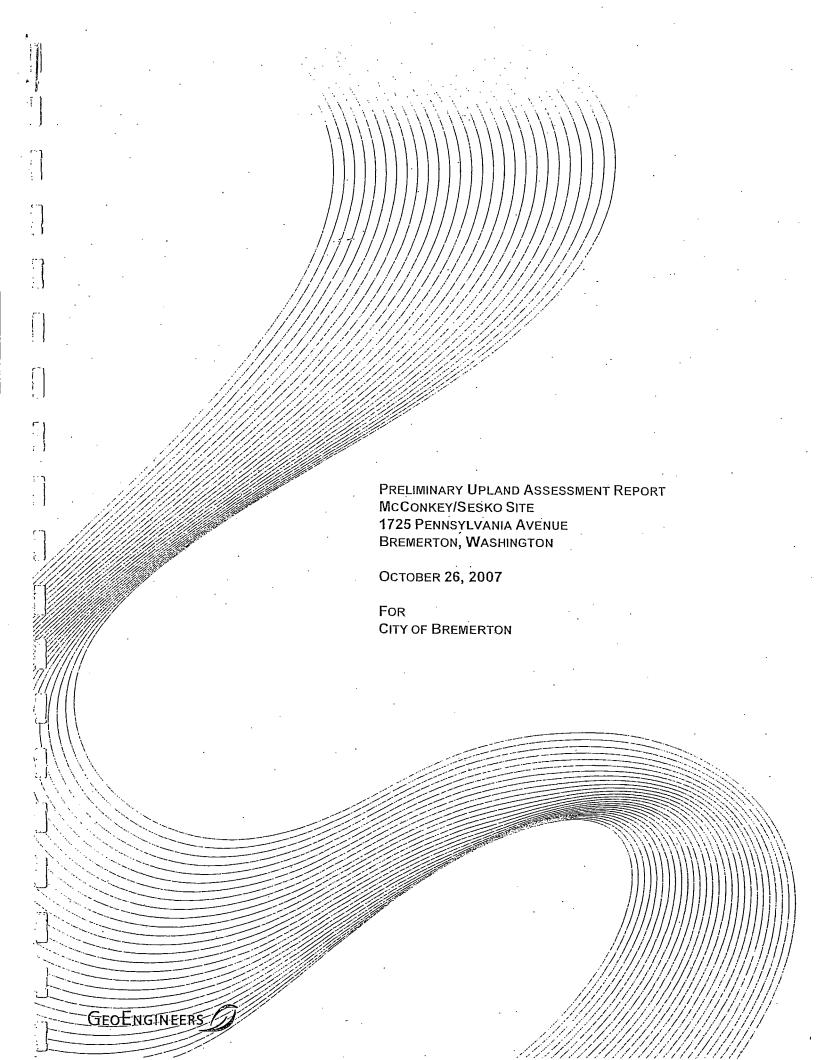
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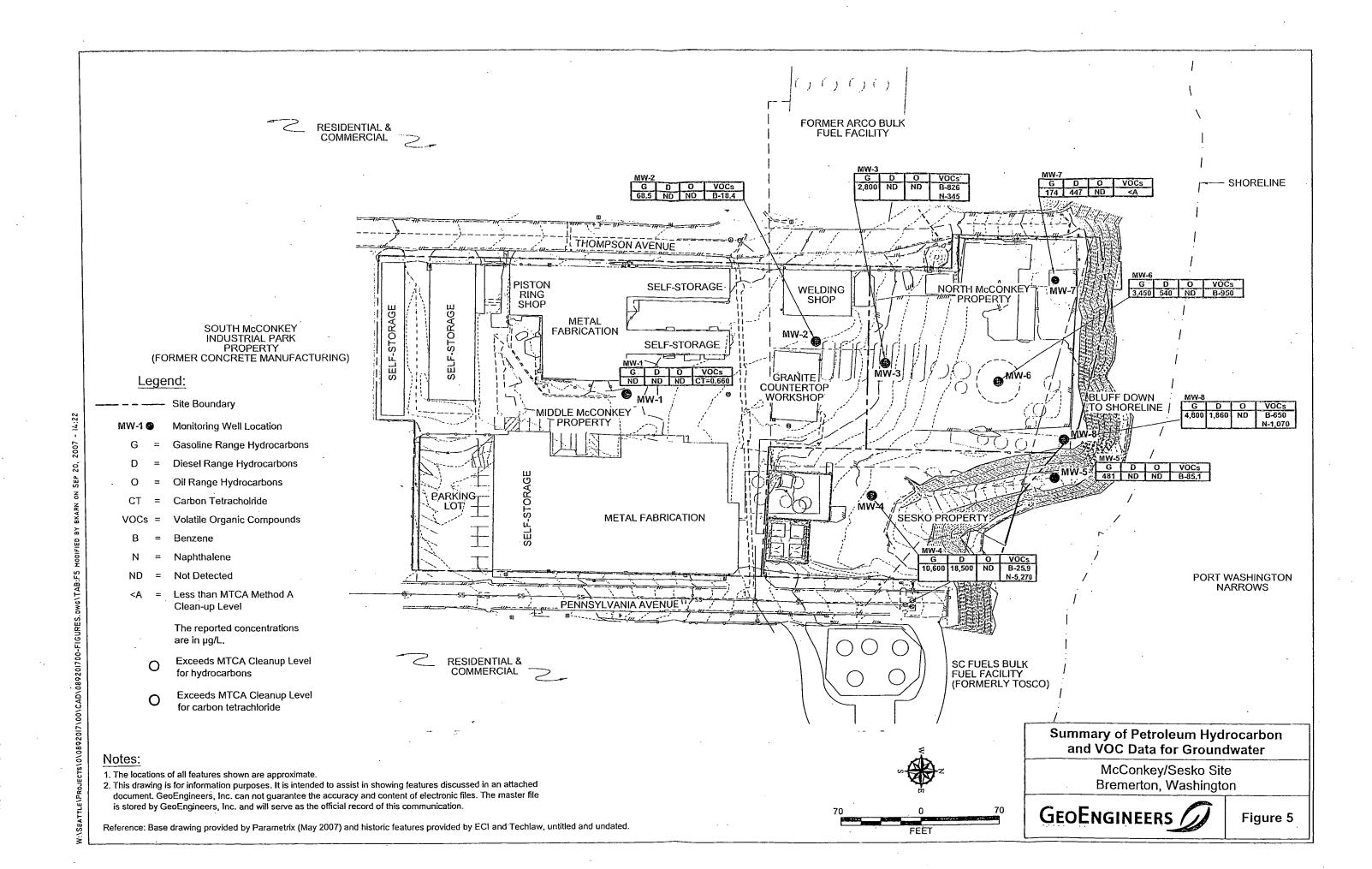
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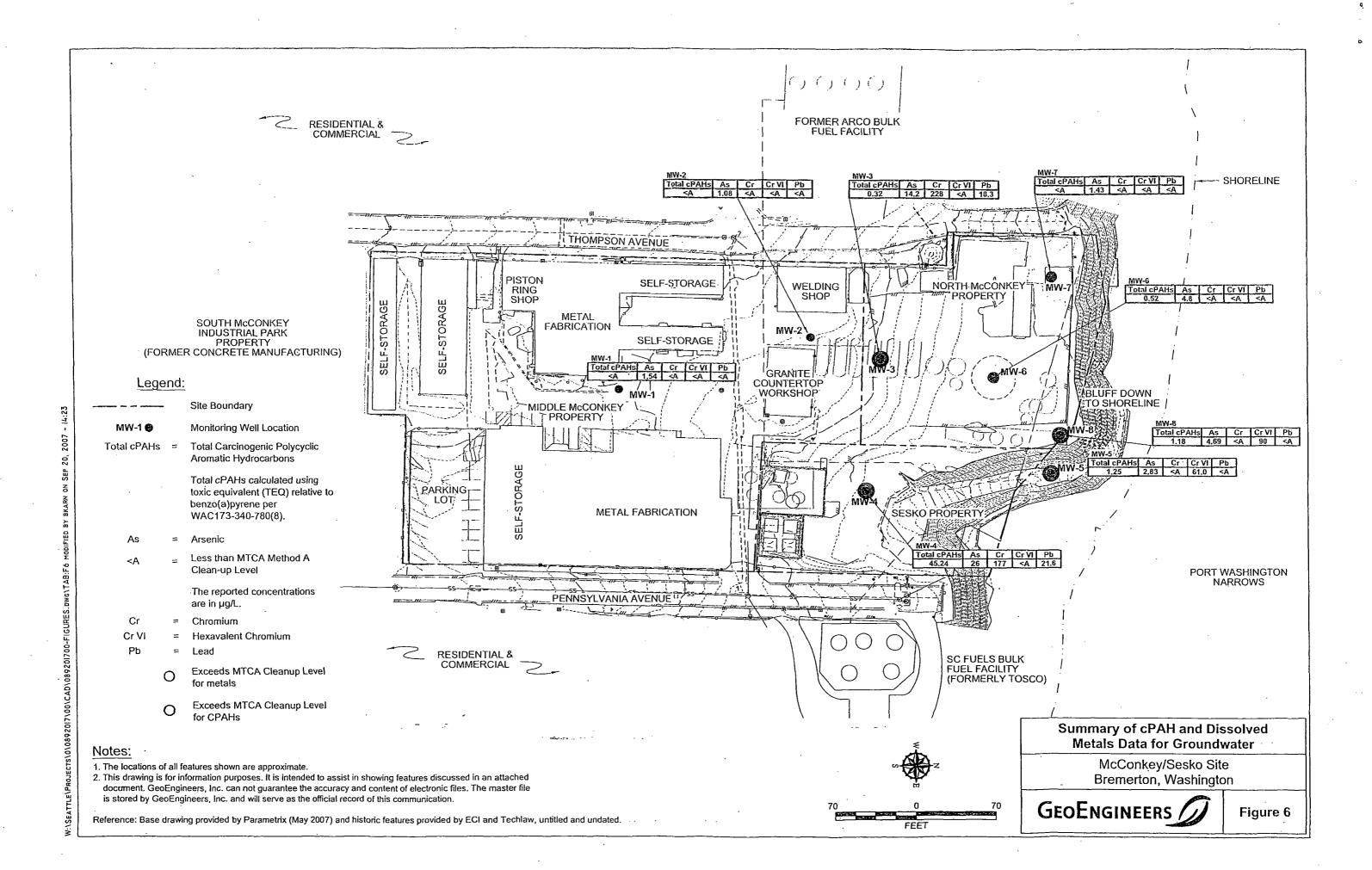
Bremerton, Washington











# Final Bremerton Gasworks Targeted Brownfields Assessment Report Bremerton, Washington

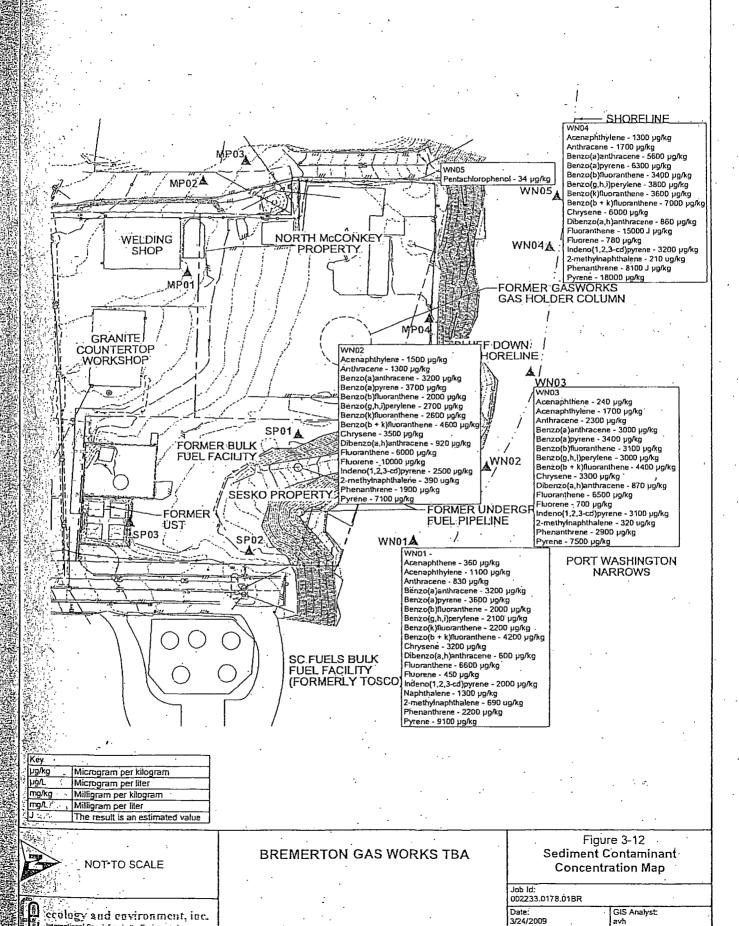
Technical Direction Document Number: 07-01-0008

August 2009

Prepared for:
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1200 Sixth Avenue
Seattle, Washington 98101

Prepared by:

ECOLOGY AND ENVIRONMENT, INC. 720 Third Avenue, Suite 1700 Seattle, Washington 98104



Bremerton, Washington

Map Source Information:

International Specialists in the Environment Scattle, Washington